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FILED

OCT 13 2005

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA, ) CR. NO. S-04-453 FCD  
12 Plaintiff, )  
13 v. ) GOVERNMENT'S MOTION TO DISMISS  
14 JAMES QUANTRELLE LOZIER, ) WITHOUT PREJUDICE  
15 aka Tyrone Outlaw, )  
16 Defendant. )

17 The United States of America, plaintiff herein, by and through  
18 its undersigned attorney, hereby moves to dismiss in the interest of  
19 justice, without prejudice, the Indictment filed against defendant  
20 James Quantrelle Lozier, filed with this Court on December 2, 2004.

21 The United States of America moves to dismiss without prejudice  
22 the case against defendant James Quantrelle Lozier on the grounds of  
23 insufficient evidence due to a material witness changing or  
24 clarifying his identification testimony. Said motion is made to

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1 dismiss without prejudice so that the government could seek  
2 reindictment on this matter should new evidence be obtained.

3 Respectfully submitted,

4 MCGREGOR W. SCOTT  
5 United States Attorney

6 DATED: October 13, 2005

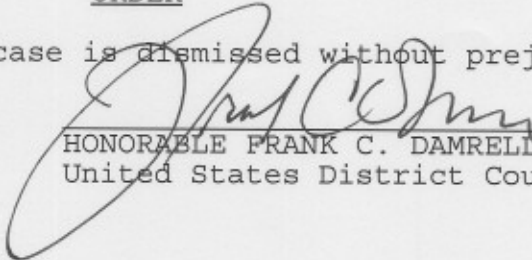
7 By: /s/ William S. Wong  
8 WILLIAM S. WONG  
9 Assistant U.S. Attorney

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10 ORDER

11 IT IS SO ORDERED the case is dismissed without prejudice.

12 DATED: October 13

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14 HONORABLE FRANK C. DAMRELL, JR.,  
15 United States District Court Judge  
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